

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROBERT GRAY and MAKRUM GEORGE,
individually, and on behalf of a class of similarly
situated individuals,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC and
BMW AKTIENGESELLSCHAFT,

Defendants.

No.: 2:13-cv-3417 (WJM)(MF)

**NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION SETTLEMENT;
CONDITIONAL CERTIFICATION OF
SETTLEMENT CLASS; AND APPROVAL
OF CLASS NOTICE**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on a date to be set by the Court, in Courtroom MLK 4B of the above-captioned Court, located at 50 Walnut Street, Newark, New Jersey 07101, the Honorable William J. Martini presiding, Plaintiffs Robert Gray and Makrum George will, and hereby do, move this Court to:

1. Conditionally certify, for settlement purposes only, a settlement class consisting of all persons or entities in the United States, the District of Columbia, and Puerto Rico who currently own or lease, or previously owned or leased, a model-year 2004 to 2010 BMW 6 Series (E64) Convertible.
2. Appoint Plaintiffs as Class Representatives.
3. Appoint Mazie Slater Katz & Freeman, LLC and Strategic Legal Practices, APC as Class Counsel.
4. Preliminarily approve the Settlement Agreement, attached as Exhibit 1 to the Declaration of Matthew Mendelsohn.
5. Determine that the Class Notice complies with all legal requirements and direct its dissemination.

6. Schedule a date and time for a Final Approval Hearing.

This Motion is based upon: (1) this Notice of Motion and Motion; (2) the Memorandum of Points and Authorities; (3) the Declaration of Matthew Mendelsohn; (4) the Declaration of Payam Shahian; (5) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement, filed concurrently herewith; (6) the records, pleadings, and papers filed in this action; and (7) upon such other documentary and oral evidence or argument as may be presented to the Court at the hearing of this Motion.

Dated: November 14, 2016

By:



Matthew Mendelsohn
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